

PGCPB No. 00-209

File No. 4-00051

## R E S O L U T I O N

WHEREAS, John and Joan C. Chang are the owners of a .33-acre parcel of land known as Parcel 95, Tax Map 33, Grid C-4, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on September 26, 2000, Joan C. Chang filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00051, College Park Homes was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 9, 2000 for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on November 9, 2000, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plat of Subdivision 4-00051, College Park Homes, Lots 1 and 2 with the following condition:

1. The final plat shall contain a note stating that conformance issues pertaining to the *Landscape Manual* shall be determined at the time of future permit activity.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the south side of Calvert Road, approximately 280 feet east of Baltimore Avenue (US 1) in the City of College Park.
3. Environmental - The proposed lots are developed, slightly wooded and contain relatively flat terrain which drains and flows into tributaries of the Northeast Branch. The predominant soil type on-site is Bibb, which generally exhibits moderate to severe limitations to development due to high water table, flood hazard and poor drainage.

The site is not subject to the provisions of the County Woodland Conservation

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Ordinance, because it is less than 40,000 square feet in size and contains less than 10,000 square feet of woodland.

There are no floodplain, streams, Waters of the United States, specimen trees, endangered species or noise issues identified on the site. No Marlboro clays, scenic or historic roads are located on or adjacent to the subject property.

The property is in Water and Sewer Category 3 and is currently being served by public systems.

4. Community Planning - The 1989 Approved Langley Park-College Park-Greenbelt Master Plan recommends this property for retail/commercial uses.

The applicant proposes no new development on the subject property. This preliminary subdivision does not raise any master plan issues.

5. Landscape Manual - The residential building on proposed Lot 2 appears on 1937 aerial photos (FG132-80). Based on land surveys provided by the Community Planning Division, the second residential building on proposed Lot 1 was constructed in 1940. Because two dwellings were not permitted on one lot at that time nor is it permitted today, the existing condition (based on the information contained in the file) was not legally existing as of January 1, 1990. The site therefore appears to be subject to the Prince George=s County *Landscape Manual*. Staff has found that a preliminary plat application is not a reasonable implementation tool through which conformance to the *Landscape Manual* for existing situations should be considered. Therefore, conformance issues pertaining to the *Landscape Manual* should be determined at the time of any future permit activity, if any on this site.

6. Parks and Recreation - Section 24-134 of the Subdivision Regulations regarding mandatory dedication of parkland does not apply to commercial and industrial properties. The subject site is currently residentially used and zoned C-S-C, a combination of zoning and use not generally contemplated by Section 24-134. Staff has determined that the subdivision is not for the purpose of further residential development and based on the commercial zoning of the property and circumstances unique to this property find the subdivision exempt from Section 24-134.

7. Trails - There are no master plan trail issues associated with this application

8. Transportation - The applicant proposes to subdivide an existing parcel into two lots. There are two existing residences on the parcel which are to remain, but each will be located on its own lot if this subdivision is approved. No additional development is proposed by this application.  
No traffic study was requested of the applicant nor was one submitted for review in

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support of the preliminary plat. The findings and recommendations outlined below are based upon a review of relevant materials and analyses consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The proposed subdivision would generate no net trips as a result of the subdivision. There would be no resulting impact on traffic operations at the US 1/Calvert Road intersection, which is the development's critical intersection, as a result of the subdivision.

The road frontage of the subject property is Calvert Road, which has an existing right-of-way of 46 feet. The standard right-of-way in front of a commercially-zoned property for a determination of required setbacks is 70 feet, or 35 feet from center line, which the dwelling on proposed Lot 2 meets. The minimum standard right-of-way for a public street (unless modified in agreement with the controlling jurisdiction), regardless of zoning, is 50 feet, or 25 feet from center line. Staff understands that the Zoning Ordinance reference to a 70 foot right-of-way is solely for the purpose of determining setbacks; this leaves room for a degree of judgement in determining if dedication by a plat is necessary. In discussions with staff from the City of College Park, staff has determined that additional right-of-way along Calvert Road is not needed.

With no additional development proposed for the subject property and a positive determination by the City that the existing right-of-way is sufficient, the transportation staff believes that no further dedication is required by the subject plan. The proposed access would remain as it is and is acceptable.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

9. Schools - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised July 2000) (CR-4-1998).

The proposed subdivision is exempt from the APF for schools because the subdivision is less than 36 dwelling units, is in census tract 71.02 (which is located in a Revitalization Tax District as provided for in Subtitle 10), and is not part of a larger Comprehensive Design or Mixed Use Zone.

10. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01 of the Subdivision Regulations, and concluded the following:
  - a. The existing fire engine service at College Fire Station, Company 12 located at 8115 Baltimore Avenue has a service response time of 1.47 minutes, which is within the 5.25 minutes response time guideline.

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- b. The existing ambulance service at College Fire Station, Company 12 located at 8115 Baltimore Avenue has a service response time of 1.47 minutes, which is within the 6.25 minutes response time guideline.
- c. The existing paramedic service at College Fire Station, Company 12 located at 8115 Baltimore Avenue has a service response time of 1.47 minutes, which is within the 7.25 minutes response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

- 11. Police Facilities - The proposed subdivision is within the service area for Police District I- Hyattsville. In accordance with Section 24-122(c)(1) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County's police facilities will be adequate to serve the proposed College Park Homes development. This police facility adequately serves the existing population generated by the subdivision.
- 12. Health Department - There are no Health Department issues with this application.
- 13. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that stormwater management is not required because the site is fully developed.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 20, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of November 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:rmk